

(d) The manufacturer must supply, at the Administrator's request, copies of any engine maintenance instructions or explanations issued by the manufacturer.

§ 90.122 Amending the application and certificate of conformity.

(a) The engine manufacturer must notify the Administrator when either an engine is to be added to a certificate of conformity or changes are to be made to a product line covered by a certificate of conformity. Notification occurs when the manufacturer submits an amendment to the original application prior to either producing such engines or making such changes to a product line.

(b) The amendment must request that the engine manufacturer's existing certificate of conformity be amended and include the following information:

(1) A full description of the engine to be added or the change(s) to be made in production;

(2) The manufacturer's proposed test engine selection(s); and

(3) Engineering evaluations or reasons why the original test engine is or is not still appropriate.

(c) The Administrator may require the engine manufacturer to perform tests on an engine representing the engine to be added or changed.

(d) *Decision by Administrator.* (1) Based on the submitted amendment and data derived from such testing as the Administrator may require or conduct, the Administrator must determine whether the proposed addition or change would still be covered by the certificate of conformity then in effect.

(2) If the Administrator determines that the new or changed engine(s) meets the requirements of this subpart and the Act, the appropriate certificate of conformity will be amended.

(3) If the Administrator determines that the proposed amendment would not be covered by the certificate of conformity, the Administrator must provide a written explanation to the engine manufacturer of his or her decision not to amend the certificate. The manufacturer may request a hearing on a denial.

(e)(1) Alternatively, an engine manufacturer may make changes in or additions to production engines concurrently with amending the application as set forth in paragraph (b) of this section, if the manufacturer determines that all affected engines will still meet applicable emission standards. The engine manufacturer must supply supporting documentation, test data, and engineering evaluations as appropriate to support its determination.

(2) If, after a review, the Administrator determines additional testing is required, the engine manufacturer must provide required test data within 30 days or cease production of the affected engines.

(3) If the Administrator determines that the affected engines do not meet applicable requirements, the Administrator will notify the engine manufacturer to cease production of the affected engines.

§ 90.123 Denial, revocation of certificate of conformity.

(a) If, after review of the engine manufacturer's application, request for certification, information obtained from any inspection, and any other information the Administrator may require, the Administrator determines that the test engine does not meet applicable standards and requirements, the Administrator will notify the manufacturer in writing, setting forth the basis for this determination.

(b) Notwithstanding the fact that engines described in the application may comply with all other requirements of this subpart, the Administrator may deny the issuance of or revoke a previously issued certificate of conformity if the Administrator finds any one of the following infractions to be substantial:

(1) The engine manufacturer submits false or incomplete information;

(2) The engine manufacturer denies an EPA enforcement officer or EPA authorized representative the opportunity to conduct authorized inspections;

(3) The engine manufacturer fails to supply requested information or amend its application to include all engines being produced;

(4) The engine manufacturer renders inaccurate any test data which it submits or otherwise circumvents the intent of the Act or this part; or

(5) The engine manufacturer denies an EPA enforcement officer or EPA authorized representative reasonable assistance (as defined in § 90.506).

(c) If a manufacturer knowingly commits an infraction specified in paragraph (b)(1) or (b)(4) of this section or knowingly commits any fraudulent act which results in the issuance of a certificate of conformity, the Administrator may deem such certificate void ab initio.

(d) When the Administrator denies or revokes a certificate of conformity, the engine manufacturer will be provided a written determination. The manufacturer may request a hearing on the Administrator's decision.

(e) Any revocation of a certificate of conformity extends no further than to forbid the introduction into commerce of those engines previously covered by the certification which are still in the possession of the engine manufacturer, except in cases of such fraud or other misconduct that makes the certification void ab initio.

§ 90.124 Request for hearing.

(a) An engine manufacturer may request a hearing on the Administrator's denial or revocation of a certificate of conformity.

(b) The engine manufacturer's request must be filed within 30 days of the Administrator's decision, be in writing, and set forth the manufacturer's objections to the Administrator's decision and data to support the objections.

(c) If, after review of the request and supporting data, the Administrator finds that the request raises a substantial and factual issue, the Administrator will provide the engine manufacturer a hearing.

§ 90.125 Hearing procedures.

The hearing procedures set forth in §§ 90.513, 90.514, and 90.515 apply to this subpart.

§ 90.126 Right of entry and access.

Any engine manufacturer that has applied for certification of a new en-

gine or engine family subject to certification testing under this subpart must admit or cause to be admitted to any applicable facilities during operating hours any EPA enforcement officer or EPA authorized representative as provided in § 90.506.

Subpart C—[Reserved]

Subpart D—Emission Test Equipment Provisions

§ 90.301 Applicability.

(a) This subpart describes the equipment required in order to perform exhaust emission tests on new nonroad spark-ignition engines and vehicles subject to the provisions of subpart A of part 90.

(b) Exhaust gases, either raw or dilute, are sampled while the test engine is operated using a steady state test cycle on an engine dynamometer. The exhaust gases receive specific component analysis determining concentration of pollutant. Emission concentrations are converted to mass emission rates in grams per hour based on either fuel flow, fuel flow and engine intake air flow, or exhaust volume flow. Weighted emission rates are reported as grams per brake-kilowatt hour (g/kW-hr). See subpart E of this part for a complete description of the test procedure.

(c) Additional information about system design, calibration methodologies, and so forth, for raw gas sampling can be found in part 86, subpart D of this chapter. Examples for system design, calibration methodologies, and so forth, for dilute exhaust gas sampling can be found in part 86, subpart N of this chapter.

§ 90.302 Definitions.

The definitions in § 90.3 apply to this subpart. The following definitions also apply to this subpart.

Rated speed means the speed at which the manufacturer specifies the maximum rated power of an engine.

Intermediate speed means the engine speed which is 85 percent of the rated speed.